

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

*In re*

MELINTA THERAPEUTICS, INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 19-12748 (LSS)

(Jointly Administered)

Related Docket No. 940

ORDER GRANTING JOINT MOTION OF REORGANIZED  
DEBTORS AND GUC TRUSTEE FOR (I) ORDER  
STRIKING PENDING RECONSIDERATION MOTION  
FILED BY LIN LUO FOR FAILURE TO PROSECUTE;  
(II) ENTRY OF A FINAL DECREE AND ORDER CLOSING  
THE CHAPTER 11 CASES; AND (III) OTHER RELIEF

Upon consideration of the *Joint Motion of Reorganized Debtors and GUC Trustee for (I) Order Striking Pending Reconsideration Motion Filed by Lin Luo for Failure to Prosecute; (II) Entry for a Final Decree and Order Closing the Chapter 11 Cases; and (III) Other Relief* (the “**Motion**”);<sup>2</sup> and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been given under the

<sup>1</sup> The Reorganized Debtors and the last four digits of their respective taxpayer identification numbers are: Melinta Therapeutics, Inc. (0364); Cempra Pharmaceuticals, Inc. (5814); CEM-102 Pharmaceuticals, Inc. (4262); Melinta Subsidiary Corp. (9437); Rempex Pharmaceuticals, Inc. (6000); and Targanta Therapeutics Corporation (1077). The address of the Reorganized Debtors’ corporate headquarters is 44 Whippany Road, Suite 280, Morristown, New Jersey 07960.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

particular circumstances; and it appearing that no other or further notice is necessary; and it appearing that the relief requested in the Motion is in the best interests of the Reorganized Debtors, their estates, their creditors, and other parties-in-interest; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

**ORDERED, ADJUDGED, AND DECREED that:**

1. The Motion is GRANTED as set forth herein.
2. Effective upon entry of this Order, the Chapter 11 Cases (which, for greater clarity, are delineated in the table below) are closed pursuant to Bankruptcy Code section 350(a), Bankruptcy Rule 3022, and Local Bankruptcy Rule 3022-1.

<b>Debtor Name</b>	<b>Chapter 11 Case Number</b>
Melinta Therapeutics, Inc.	19-12748 (LSS)
Cempra Pharmaceuticals, Inc	19-12749 (LSS)
CEM-102 Pharmaceuticals, Inc.	19-12750 (LSS)
Melinta Subsidiary Corp.	19-12751 (LSS)
Rempex Pharmaceuticals, Inc.	19-12752 (LSS)
Targanta Therapeutics Corporation	19-12753 (LSS)

3. The Clerk of the Court shall enter this Order on the dockets of each of the Chapter 11 Cases and the dockets of the Chapter 11 Cases shall be marked as closed.
4. This Order is without prejudice to any parties' right to seek to re-open any of the Chapter 11 Cases for good cause shown.
5. The appointment and services of Kurtzman Carson Consultants LLC ("**KCC**") as the claims and noticing agent in the Chapter 11 Cases shall be terminated as of the date hereof. Thereafter, except as provided in paragraphs 6 and 7 below, KCC shall have no further obligations to the Court, the Debtors, the Reorganized Debtors, or any party in interest with respect to KCC's claims and noticing services in these Chapter 11 Cases; *provided, however,*

KCC may continue to provide any other services that may be requested by the Reorganized Debtors.

6. Pursuant to Local Bankruptcy Rule 2002-1(f)(ix) and (xii), within twenty-eight days of entry of this Order, KCC (or the Reorganized Debtors, as applicable) shall (a) forward to the Clerk of the Court an electronic version of all imaged claims, (b) upload the creditor mailing list into CM/ECF, (c) docket an updated (and final) claims register, and (d) docket a completed SF-135 Form indicating the accession and location numbers of the archived claims, all at the expense of the Reorganized Debtors. KCC will box and deliver all original claims to the Philadelphia Federal Records Center, 14470 Townsend Road, Philadelphia, Pennsylvania 19154.

7. Should KCC receive any mail regarding the Debtors or Reorganized Debtors after entry of this Order, KCC shall collect and forward such mail no less frequently than monthly to the Reorganized Debtors at the following address (or such other address as may be subsequently provided by the Reorganized Debtors to KCC): Melinta Therapeutics, 44 Whippany Road, Suite 280, Morristown, New Jersey 07960.

8. Notwithstanding the foregoing, as soon as practicable following the entry of this Order, the Reorganized Debtors shall pay KCC for services performed as claims and noticing agent in accordance with the terms of this Court's *Order Appointing Kurtzman Carson Consultants LLC as Claims and Noticing Agent for the Debtors Pursuant to 28 U.S.C. § 156(c), 11 U.S.C. § 105(a), and Del. Bankr. L.R. 2002-1(f)*, Nunc Pro Tunc to the Petition Date [Docket No. 49] and the Agreement (as defined therein).

9. By virtue of the Confirmation Order and the GUC Trust Agreement, the GUC Trustee has the authority to deem any Class 4 General Unsecured claim waived in the event any

such Class 4 claimant fails to provide the GUC Trustee with necessary information within the timeframe established by the GUC Trustee.

10. To the extent not already paid, the Reorganized Debtors shall pay the U.S. Trustee fees due in connection with the Chapter 11 Cases under 28 U.S.C. § 1930 by July 31, 2021.

11. The Pending Reconsideration Motion is stricken, with prejudice.

12. Notwithstanding any stay that might be applicable to this Order, this Order shall be effective and enforceable immediately upon its entry.

13. The Court shall retain jurisdiction with respect to all matters arising from, relating to, or in connection with the Chapter 11 Cases or this Order.

Dated: June 30th, 2021  
Wilmington, Delaware

  
LAURIE SELBER SILVERSTEIN  
UNITED STATES BANKRUPTCY JUDGE